

SEP 8 2006

**STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE
AND INTERIOR DESIGN**

**In the matter of Ronald Engelmeyer
Land Surveyor
License Number 13334**

STIPULATION AND ORDER

Board File No. 2005-0091

TO: Ronald Engelmeyer
Engelmeyer Surveying PA
307A East Main Street
Melrose, MN 56352

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes §§ 214.10 and 326.111 (2004) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received a complaint concerning Ronald Engelmeyer ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. Respondent has held a license to practice Land Surveying from the Board since August 4, 1978. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.
2. Facts. This Stipulation is based upon the following facts:

- a. Respondent was first licensed to practice Land Surveying in the State of Minnesota on August 4, 1978.
- b. Respondent issued a certificate of survey for a Mr. James Quigley on May 23, 2001 on Sec. 29-T37N-R27W, in Mille Lacs County, Minnesota.
- c. Respondent issued a preliminary plat of Maple Ridge Addition in Sec. 29-T37N-R27W, in Mille Lacs County, Minnesota, for a Mr. James Quigley on June 20, 2002.
- d. In his letter to the Board dated March 29, 2006, Respondent admits that his survey crew did not use the old survey books and records in the Mille Lacs County Engineers Office. Respondent states: "The survey crew began the survey work on April 16, 2001. They went to the county recorders office in Mille Lacs County to find the appropriate documentation to assist with the survey. They didn't know that there old survey books and records were in the county engineers office. So Engelmeyer Surveying, P.A. was unaware of the Chapman survey from 1910."

A true and correct copy of the March 29, 2006 letter is attached hereto as Exhibit A.

- e. Respondent admits that Dennis Pederson, the County Surveyor, called Respondent's attention to the survey from 1910. In his March 29, 2006 letter, Respondent states: "After Dennis Pederson the County Surveyor called it to my

attention that there was a survey from 1910 and he was going to file a certificate of location for the corner. I didn't know about the Chapman 1910 survey. I agreed to Mr. Pederson and changed my location that the West Quarter of Section 29 to his location. I changed my survey dated May 10, 2004."

A true and correct copy of the March 29, 2006 letter is attached hereto as Exhibit A.

f. Respondent issued a corrected preliminary plat of Maple Ridge Addition in Sec. 29-T37N-R27W, in Mille Lacs County, Minnesota, for a Mr. James Quigley on May 10, 2004.

3. Violations. Respondent admits that the facts specified above constitute violations of Minn. Stat. §§ 326.111, subd. 4(1) and 4(3) (2004) and are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

- a. Reprimand. Respondent is reprimanded for the foregoing conduct.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Respondent shall submit a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) by cashier's check or money order to the board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minn. Stat. ch. 326, or Minn. Rule ch. 1800 or 1805, the

Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minn. Stat. ch. 14, and to dispute the civil penalty imposed by

this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

7. Collection. In accordance with Minn. Stat. § 16D.17 (2004), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14, Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

9. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

10. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 4 (2004). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

12. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Ronald Engelmeyer

Dated: 9-5-, 2006

COMPLAINT COMMITTEE

By: Billie Lawton
Billie Lawton, Public Member
Committee Chair

Dated: 10-5, 2006

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 13TH day of OCTOBER, 2006.

MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE AND
INTERIOR DESIGN

By: Harvey H. Harvala
Harvey H. Harvala, PE
Board Chair



Engelmeyer Surveying, P.A.

Registered Land Surveyor
The Surveyor For All Seasons
MELROSE, MN 56352

PROMPT
PROFESSIONAL
SERVICE

PHONE BUSINESS (320) 256-7298
RESIDENCE (320) 836-2870

March 29, 2006

RECEIVED

APR 4 2006

The Minnesota Board of Architecture,
Engineering, Land Surveying, Landscape
Architecture, Geoscience & Interior Design
85 East 7th Place, Suite 160
St. Paul, MN 55101

RE: File No. 2005-0091

Dear Ms. DuFresne:

This letter is in response to the letter I received dated March 15, 2006. I was contacted to survey a tract of land in Section 29 Township 37 Range 27 in Mille Lacs County, Minnesota.

The survey crew began the survey work on April 16, 2001. They went to the county recorders office in Mille Lacs County to find the appropriate documentation to assist with the survey. They didn't know that there old survey books and records were in the county engineers office. So Engelmeyer Surveying, P.A. was unaware of the Chapman survey from 1910.

We reestablished the West Quarter corner of Section 29 by the following method:

- A.) We found a 1/2" iron pipe at the West Quarter Section of 30-37-27. We found an old fence line east and west and centerline of the north and south road at the center of Section 30; and projected that east and intersected that with a line from the northeast corner of Section 30 and a well established fence line along the east line of the Northeast Quarter of Section 30.
- B.) We set an iron pipe which I would have filed a certificate of location of the government corner later. This location of the West Quarter of Section 29 as we set fits very well with the interior fence lines and occupation lines in Section 29 (the tract we were surveying). See the certificate of survey dated May 23, 2001. The iron set at the center of Section 29 is only 6 feet north of the center of Section 29 as computed and reestablished. I felt this was good and did the remainder of the survey.

After Dennis Pederson the County Surveyor called it to my attention that there was a survey from 1910 and he was going to file a certificate of location for the corner. I didn't know about the Chapman 1910 survey. I agreed to Mr. Pederson and changed my location that the West Quarter of Section 29 to his location. I changed my survey dated May 10, 2004. Although one question regarding the survey by Chapman, why did the location of the west quarter corner of Section 29 fit the fence lines and occupation lines so well in Section 29, the section which I surveyed in?

Enclosed please find copies of the certificate of survey's, breakdowns, field notes. If you need anything else, feel free to contact me at (320)256.7298.

Sincerely,

Ron Engelmeyer
Engelmeyer Surveying, P.A.

EXHIBIT A